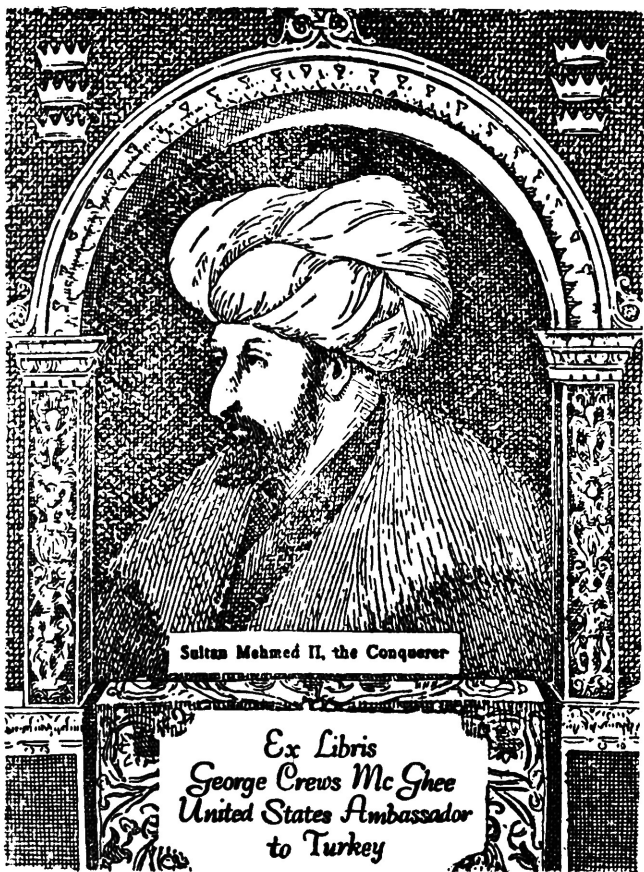


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**AN ARGUMENT FOR
THE JUDICIAL SETTLEMENT OF
INTERNATIONAL DISPUTES**

BY THE SAME AUTHOR

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THE INTERNATIONAL MIND

AN ARGUMENT FOR
THE JUDICIAL SETTLEMENT OF
INTERNATIONAL DISPUTES

BY
NICHOLAS MURRAY BUTLER

PRESIDENT OF COLUMBIA UNIVERSITY
PRESIDENT OF THE AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION
MEMBER OF THE AMERICAN ACADEMY OF ARTS AND LETTERS

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**TO THAT LARGE AND GROWING COMPANY
OF MEN AND WOMEN WHO, IN EUROPE,
ASIA, AFRICA, AND THE TWO AMERICAS,
ARE WORKING TO HASTEN THE COMING
OF THE DAY WHEN JUSTICE SHALL TAKE
THE PLACE OF FORCE IN THE SETTLEMENT
OF DIFFERENCES BETWEEN NATIONS**

PREFACE

THE substitution of justice for force in settling the differences that arise between nations has become a question of practical politics. This is due in part to the almost unbearable burden of the world's armaments and to the obstacle which their cost offers to carrying out policies of constructive statesmanship in solving the new social and political problems that have arisen everywhere. It is due in part, also, to the growing moral sensitiveness of men. Long after theft and murder had ceased to be respectable as between individuals they were regarded with equanimity, and even with esteem, as between nations, for the reason that they were thought in some way to contribute to a high and lofty patriotism. Groups of men bearing a common name were once believed to have, and are still sometimes believed to have, a superior mission in the world which justifies them in the use of force in their dealings with other peoples. The advance of civilization

through rapine and slaughter is even now a theme on which orators and poets like to dwell. Time and time again, no doubt, it has been necessary or unavoidable that human beings should kill each other, but the mere killing is not anything in which to glory.

With the rise in the world of a real public opinion, with the spread of information and of opportunity for the education of the whole people, with the growth of travel and of commerce, with migration on a large scale from one part of the world to another, and with the wider spread of a knowledge of foreign languages, a new condition of national interdependence and interpenetration has been brought about. This makes war increasingly difficult and increasingly repulsive, and it disposes men to work more vigorously for the creation of those institutions, civil and political, which extend the area over which the principles of justice are made applicable and enforceable.

Independent courts of justice protecting the individual from the invasion of his guaranteed constitutional rights, whether by other individuals or by agencies of government itself, are the epoch-marking contribution of the United

States to political science. A judiciary made dependent on changes of popular temper or on varying, often contradictory, manifestations of popular will, would become a mere administrative device under the control and direction of the executive power of the moment.

The striking service performed by an independent judiciary in the United States indicates that an independent judiciary will offer the best solution of the problems, international in character, that arise out of international business and international rivalries. National policies will always be settled, and properly so, in accordance with a nation's own governmental forms and processes. International claims and international conflicts, when, as is usually the case, they are justiciable in character, should, at this stage of the world's history, go automatically to an independent international court clothed with full authority to do justice. The decrees of such a court would be enforced by the moral power of the civilized nations of the earth.

The establishment of an independent international court of justice to hear and to decide causes between nations will not make war im-

possible. The brute elements in man must be wholly eliminated and passion must be entirely subordinated to reason before that end can be reached. But the existence of an international court of weight, dignity, and authority may easily prevent many wars and go far toward removing the causes out of which wars so often grow.

Standing behind this court, however, there must be on the part of the great nations of the earth a disposition to submit to its decrees and a willingness to co-operate in enforcing them. There must be a state of public opinion which regards other peoples not as rivals to be antagonized, but as friends to work with in the accomplishment of a common purpose. To create such a public opinion there must first be developed among statesmen, journalists, and men of affairs a true international mind.

The addresses here printed are an endeavor to contribute to that end.

NICHOLAS MURRAY BUTLER

COLUMBIA UNIVERSITY,

June 15, 1912

CONTENTS

	PAGE
I THE PROGRESS OF REAL INTERNATIONALISM	I
II THE WORLD'S ARMAMENTS AND PUBLIC OPINION	19
III ARE WE OUR BROTHERS' KEEPERS? .	45
IV THE EDUCATION OF THE WORLD FOR PEACE	67
V THE INTERNATIONAL MIND	95
INDEX	115

I

THE PROGRESS OF REAL INTERNA- TIONALISM

Opening Address as Chairman of the Lake Mohonk Conference on International Arbitration, May 22, 1907

THE PROGRESS OF REAL INTERNATIONALISM

This Conference reassembles at an auspicious moment. Our country is still ringing with the echoes of the lofty sentiments and noble ideals which found expression before thousands of attentive auditors at the National Arbitration and Peace Congress held in New York a month ago. High officers of government and leaders of public opinion at home and abroad there united in giving voice to sentiments which mean, if they mean anything, that a new era is dawning in the moral history of mankind. Moreover, before another month has passed, the representatives of more than two score nations will assemble at The Hague to constitute a second International Conference called in the interest of international peace. Whether we look backward or forward, therefore, we see only signs of good omen.

The nations of the earth are faced by problems of amazing complexity and difficulty.

The spread of democracy, while it has greatly complicated these problems and enlarged their scope, has also hastened the day of their satisfactory and beneficent solution.

Unless all signs fail, we are entering upon a period which may be described fittingly as one of internationalism. For long centuries the peoples of the earth have been obeying the deep impulse to build themselves into nations. Groups of men marked out by origin, by common characteristics, and by language, for living together under one form of government and within one political boundary, have grown into nations. These nations have, each in its own way, established constitutional government, or seem about to do so. With constitutional government has gone hand in hand the conception of the reign of law and the dominance of justice. The reign of law and the dominance of justice mean that might shall not be permitted to seize the place of right, and that no individual shall be allowed to enact his own claims and ambitions into law or decree. These must be submitted in formal and stated fashion to a tribunal constituted for the purpose. No nation in which

this conception of law and justice did not prevail could be counted for a moment among civilized peoples.

This intra-national development is a happy augury for the international era which is opening. It is not too much to believe, that while certain differences between individual relations and disputes and international relations and disputes must be admitted, yet the analogy between them is sufficiently close to make us full of hope that what has been accomplished intra-nationally may not be long delayed in coming internationally.

Like an individual, a nation has a mind and a conscience, and it has them in a very real sense. As politicians and statesmen have long since found out, the terms Puritan conscience in America, nonconformist conscience in England, French spirit and German idealism on the Continent, are not names for empty abstractions, but they stand in each case for what is terribly real. One of the chief problems of our time is to bring the nations' minds and the nations' consciences to bear on the moral problems involved in international relations. This is a step in the moral education

of the world. It carries with it no necessary criticism upon what has gone before and no aspersion upon what now exists, any more than the full fruit reflects discredit upon the seed from which it sprang. The more perfect and complete morality of the future is itself to be the product of the incomplete and imperfect, but always improving, morality of the past and of the present.

It is a mistake in history and an error in ethics to apply the standards and ideals of one period to the deeds and accomplishments of an earlier one. When we are asked to point out how we would have settled the War of the Roses, the Thirty-Years' War, the war between Parliament and the Stuart King, the French Revolution, the Napoleonic struggles, or the American Civil War, by arbitration or by judicial methods, the answer is that the question is quite irrelevant. Whether mankind could have settled the problems involved in all of those contests, or in any one of them, without the use of force and the shedding of blood, I very much doubt; but then man was an earlier and a cruder being than he is to-day. Moreover, the nations and their forms of govern-

ment were then only in the making, and there is no possible parallel with present conditions. The crucial question is not, will our standards and ideals apply backward, but will they not apply forward? Can we do better than to use the fine phrase of our own Lowell, and resolve not to

Attempt the Future's portal, with the Past's blood-rusted key?

The student of history and of nature, and still more the student of philosophy, realizes the implications of the process of evolution. Our political systems, our ethical standards, and our moral aspirations, are a development and are in development to-day. We need not pass unfavorable judgment upon those who have gone before in insisting that we shall endeavor to refrain from adopting methods which they often employed. We simply say that we have discovered and are prepared to apply newer and better and more efficient methods than theirs were. We do not say that they should have applied our methods, for we dare not assert that the time had then come when such application was possible; but we do say, with the

strongest emphasis, that we shall sacrifice no jot or tittle of our present moral insights or of our present intellectual convictions in facing the international problems of to-morrow.

Joubert, of whom both Sainte-Beuve and Matthew Arnold have written so charmingly, finely said: "Force and Right are the governors of this world; Force till Right is ready." Right is ready in this twentieth century to claim her kingdom, and she asks Force to step down from the throne it has so long occupied that it may serve from this time on, not as Right's substitute, but as Right's ally.

There are good and earnest men who now and then express the fear that righteousness and peace may somehow or other come into conflict. This judgment appears to me to be based upon a study of the conditions that have prevailed in the past, rather than upon an appreciation of the forces that are indicated to rule the future. Not every judgment of a judicial tribunal, however learned and disinterested its members, brings complete satisfaction to both litigants, or even to the public at large; yet the overwhelming majority of judicial decisions are equitable and do give satisfaction to the

public. Cannot the same be said of the judicial settlement of differences between litigants when those litigants are nations instead of individuals? Or, if it cannot be said, then what assurance have we, if force be resorted to, that the cause of righteousness will prevail in the struggle? Will not "God be on the side of the heaviest battalions," as Voltaire cynically suggested? If so, then the cause of righteousness will not be advanced by going to war, unless it can be supposed to be advanced by the mere struggle on its behalf. But if this be true, why should the struggle on behalf of righteousness take the brute form of physical exertion, rather than the truly human form of moral endeavor? The truth is that fighting is an animal appetite, and, excuse it as we may, moral beings must treat it as they treat other animal appetites and subject it to rational control.

It is difficult, therefore, to see what real ground there is for supposing that righteousness and peace can come into conflict when those who seek righteousness are moral persons. If they are not moral persons, collective or individual, then what concept can they possibly have of righteousness? So long as human na-

ture remains human, the several nations will each require their systems of police, and the world at large will require an international police; but this international police, while constituted of armies and navies, will, when it comes, be constituted in a way and from a point of view quite different from armies and navies maintained for offensive war.

The splendid accomplishment of this Conference during all the years of its existence has been the arousing and directing of public opinion. The National Arbitration and Peace Congress in New York gave strong impetus to this work. I feel it not too much to say that that Congress, in a single week, carried us forward quite half a century toward the time when higher conceptions of international justice shall prevail. A public opinion which, in the person of 10,000 or more of its most responsible representatives, could participate with joy and satisfaction in the discussions in New York, will not fail to make itself heard in the council chambers of governments, nor will the aroused public opinion of the United States be without large influence in Europe. While we Americans have not always been careful to conserve the sources

of our best influence upon our European contemporaries, nevertheless it remains true that American public opinion, because of its detachment from older animosities, struggles, and ambitions, and because of its essentially democratic basis, is hearkened to by monarchs, by parliaments, and by unofficial citizens who speak other tongues than ours.

American public opinion will gain in influence abroad if its positive recommendations in regard to the attainment of international justice are both sagacious and reasonable. We must avoid encumbering our program with non-essentials and we must not fail to observe a due sense of proportion in what we recommend.

Speaking for myself, I should wholly avoid at the present time the question of disarmament. Nations and governments have a varying sense of responsibility for order within and for safety without their boundaries. Disarmament will never come by pressure from without a nation, but only by pressure from within. If justice is established between nations, peace will follow as a matter of course. The reign of peace will cause armaments to atrophy from disuse. Disarmament will follow peace as an effect, not precede it as a cause.

Yet, while passing disarmament by, we may profitably urge the wisdom of formal international consideration of the possibility of restricting the farther growth of the great armies and navies of the world, without impairing the efficiency of those that exist. The present British Government has taken a most praiseworthy stand in this regard.

From the forthcoming Hague Conference we should ask, I think, chiefly two things, and if both of them should be given us, a long step forward would be taken.

1. We should ask that the Permanent Hague Court be transformed from a semi-diplomatic into a truly judicial tribunal. We should ask that judges be substituted for arbitrators. We wish to see a permanent international court which, like our United States Supreme Court, will have a status, a procedure, traditions, and precedents of its own. We wish to see international law declared and established as well as individual differences composed.

The present Hague Court is in reality only an eligible list from which two litigants may choose those to whom they will submit their cause. In its stead I should like to see a permanent body of judges chosen for long terms or for life, paid

suitable salaries, and as independent of the nations from which they are chosen as members of the United States Supreme Court are of the President who appoints or the Senate which confirms them.

Some concern is expressed as to how the findings of this court would be enforced. Are we not justified in believing that the moral sense of the civilized world would enforce them in ninety-nine cases out of a hundred? For the extreme hundredth case of disobedience an international police would be needed. That, however, many of us regard as a remote possibility.

2. We should ask that the Hague Conference, now assembling for the second time at the call of a monarch, be made to assemble automatically hereafter at regular intervals, say once in four or five years. So important an assembling of the nations should be independent of the will of any one ruler, executive, or parliament. The Third Pan-American Conference made provision for the periodic assembling hereafter of representatives appointed by all the American governments. The second Hague Conference should take similar action in its sphere.

These, then, I hold to be the most important

and most practical steps to be urged upon the second Hague Conference: (1) to substitute a truly judicial for a semi-diplomatic international tribunal; and (2) to provide for the re-assembling of the Conference itself at stated intervals.

If it be argued that such a permanent judicial tribunal, if established, would find no business to transact, let it be remembered, at least by Americans, that the members of the United States Supreme Court were first appointed on September 26, 1789; that the Court first organized on February 1, 1790, and that for a full year it adjourned because there was no business on its calendar. In a few years, the United States Supreme Court had become one of the busiest official bodies in the world. Moreover, if such a court were given power to pass judicially upon international claims, its docket would soon be full.

In the stated reassembling of the Hague Conference lies the germ of the international parliament which will one day come into being.

There is another aspect of international relations in time of war which has not attracted the attention it deserves. The suggestion that

neutrality should extend to financial assistance has been brought forward by men who are in no sense unpractical. It appears to have been an early conception of so practical a nation-builder as Cecil Rhodes. Quite independently, Mr. James Speyer, whose experience as an international financier is very large, made the same suggestion two years ago. His exact language was as follows:

“It does not seem a wild flight of imagination to suggest that the signatory powers might agree to maintain in future, what for want of a better term might be called financial neutrality. In case two powers went to war without first submitting their grievances and differences to arbitration, as provided by the Hague Protocol, why should not the other powers bind themselves not to assist either of the belligerents financially, but to see to it that strict neutrality was preserved by their citizens? Rich nations with an extended commerce are vitally concerned in maintaining peace, and if no financial assistance could be obtained from the outside, few nations would, in the face of the most effective neutrality of the other powers, incur the peril of bankruptcy,

and the inevitable wars of the future would at least be shortened."

In one form or another this proposal has received the support of Mr. Bryan, who spoke of it at the Arbitration and Peace Congress in New York, and of Secretary Straus, who referred to it in his recent address before the meeting of the International Law Society at Washington. With the support of names such as these this proposal takes on distinct importance and offers itself as worthy of serious consideration with a view to determining how it could be carried into practical operation.

One other matter concerns Americans alone. Each time an important international conference is to be held, the appointing power searches the country over for the most competent and effective representatives of American interests and of American opinion. Why should we not constitute a body of permanent representatives at such international conferences out of the distinguished men who, as President of the United States or as Secretary of State, have directed for a time the foreign policy of the nation? Those who have been

incumbents of these high offices are men who have enjoyed public confidence and esteem in the highest degree, and their service has placed them beyond the reach of party animosity or party feeling. These experienced statesmen, officially constituted as international conferees on behalf of the United States, and in receipt of an appropriate salary fixed by law, would bring to their task both unusual equipment and unusual experience. Such use of those who had rendered distinguished service to the nation as Chief Executive or as Secretary of State would be in every respect fitting.

Every portent is favorable for the policies in which we believe and which we urge. The civilized world is at peace and there is no ruler and no party bent on disturbing that peace. The more powerful nations are presided over by governments or monarchs whose faces are turned toward the light. Our own President and his Cabinet, the Government of the day in Great Britain, the President of the French Republic and his official advisers, the German Emperor, and the Emperor of Austria-Hungary, are alike devoted to the economic and moral uplifting of their people and to the avoid-

ance of war and strife. The German Emperor, against whom criticisms are sometimes leveled, is, I dare assert with confidence, a convinced believer in the policies of peace and their untold advantage to the great people at whose head he stands. Indeed, no responsible ruler is likely, so far as the signs of the moment go, to be responsible for breaking the world's peace. If that peace is to be broken, it will be broken, I think, by the irresponsible, the reckless, and the untamed. At this stage of the world's history, we must all unite to hold these elements of the population in check. The world has come of age, and, as Archbishop Temple wrote nearly half a century ago, "We are now men, governed by principles, if governed at all, and cannot rely any longer on the impulses of youth or the discipline of childhood."

II

THE WORLD'S ARMAMENTS AND PUBLIC OPINION

Opening Address as Chairman of the Lake Mohonk Conference on International Arbitration, May 19, 1909

THE WORLD'S ARMAMENTS AND PUBLIC OPINION

Two years ago when I last had the honor of addressing this Conference as its presiding officer, we were all looking forward with confidence and high anticipation to the second Hague Conference, then soon to assemble. We were much concerned with the program of business to be laid before that Conference, and with the forms of agreement or declaration which we hoped would there be decided upon. In particular, emphasis was laid upon the desire, widely entertained by right thinking men, that the second Hague Conference should take the steps necessary to build up a truly judicial international tribunal, by the side of or in succession to the semi-diplomatic tribunal which had been the fruit of the first conference at the Hague; and that the Conference should, itself, provide for its reassembling at stated intervals thereafter, without waiting for the specific call or invitation of any

monarch or national executive. The history of the second Hague Conference is still fresh in our minds. Although not everything was done that we had hoped for, yet when the cloud of discussion lifted, we could plainly see that long steps in advance had been taken, and that there was coming to be a more fundamental and far-reaching agreement among the nations as to what was wise and practicable in the steady substitution of the rule of justice for the rule of force among men.

To-day, however, the most optimistic observer of the movement of public opinion in the world, and the most stoutly convinced advocate of international justice, must confess himself perplexed, if not amazed, by some of the striking phenomena which meet his view. Expenditure for naval armaments is everywhere growing by leaps and bounds.

Edmund Burke said that he did not know the method of drawing up an indictment against a whole people; but perhaps it may be easier to detect some of the signs of emotional insanity than to draw an indictment for crime. The storm center of the world's weather to-day is to be found in the condition of mind

of a large portion of the English people. The nation which, for generations, has contributed so powerfully to the world's progress in all that relates to the spread of the rule of law, to the peaceful development of commerce and industry, to the advancement of letters and science, and to the spread of humanitarian ideas, appears to be possessed for the moment—it can only be for the moment—with the evil spirit of militarism. It is hard to reconcile the excited and exaggerated utterances of responsible statesmen in Parliament and on the platform; the loud beating of drums and the sounding of alarums in the public press, even in that portion of it most given to sobriety of judgment; and the flocking of the populace to view a tawdry and highly sensational drama of less than third-rate importance for the sake of its contribution to their mental obsession by hobgoblins and the ghosts of national enemies and invaders, with the traditional temperament of a nation that has acclaimed the work of Howard, Wilberforce, and Shaftesbury, whose public life was so long dominated by the lofty personality of William Ewart Gladstone, and of which the real heroes to-day are the John Mil-

ton and the Charles Darwin whose anniversaries are just now celebrated with so much sincerity and genuine appreciation.

What has happened? If an opinion may be ventured by an observer whose friendliness amounts to real affection, and who is in high degree jealous of the repute of the English people and of their place in the van of the world's civilization, it is that this lamentable outburst is attendant upon a readjustment of relative position and importance among the nations of the earth, due to economic and intellectual causes, which readjustment is interpreted in England, unconsciously of course, in terms of the politics of the first Napoleon rather than in terms of the politics of the industrial and intelligent democracies of the twentieth century. Germany is steadily gaining in importance in the world, and England is in turn losing some of her long-standing relative primacy. The causes are easy to discover, and are in no just sense provocative of war or strife. Indeed, it is highly probable that war, if it should come with all its awful consequences, would only hasten the change it was entered upon to prevent,

It must not be forgotten that while there has long existed in Europe a German people, yet the German nation as such is a creation of very recent date. With the substantial completion of German political unity after the Franco-Prussian war, there began an internal development in Germany even more significant and more far-reaching in its effects than that which was called into existence by the trumpet voice of Fichte, after the disastrous defeat of the Prussian army by Napoleon at Jena, and which was guided by the hands of Stein and Hardenberg. This later development has been fundamentally economic and educational in character, and has been directed with great skill toward the development of the nation's foreign commerce, the husbanding of its own natural resources, and the comfort and health of the masses of its rapidly growing population.

Within a short generation the pressure of German competition has been severely felt in the trade and commerce of every part of the world. The two most splendid fleets engaged in the Atlantic carrying trade fly the German flag. Along either coast of South America, in the waters of China and Japan, in the ports of

the Mediterranean, and on the trade routes to India and Australia, the German flag has become almost as familiar as the English. The intensive application of the discoveries of theoretical science to industrial processes has made Germany, in a sense, the world's chief teacher in its great international school of industry and commerce. With this over-sea trade expansion has gone the building of a German navy. It appears to be the building of this navy which has so excited many of the English people. For the moment we are not treated to the well-worn paradox that the larger a nation's navy the less likely it is to be used in combat and the more certain is the peace of the world. The old Adam asserts himself long enough to complain, in this case at least, that if a navy is building in Germany it must be intended for offensive use; and against whom could the Germans possibly intend to use a navy except against England? Their neighbors, the French and the Russians, they could readily, and with less risk, overrun with their great army. The United States is too far away to enter into the problem as a factor of any real importance. Therefore, the inference is drawn that the navy must be in-

tended for an attack upon England. It is worth while noting that, on this theory, the German navy now building appears to be the first of modern navies intended for military uses. It alone of all the world's navies, however large, however costly, is not a messenger of peace!

One must needs ask, then, what reason is to be found in the nature of the German people, in the declarations of their responsible rulers, or in the political relations between Germany and any other nation, for the belief that the German navy alone, among all modern navies, is building for a warlike purpose? Those of us who feel that the business of navy-building is being greatly overdone, and that it cannot for a moment be reconciled with sound public policy, or with the increasingly insistent demand for social improvements and reforms, may well wish that the German naval program were much more restricted than it is and that some of the unofficial sayings and hopes concerning it were not expressed at all. But, waiving that point for the moment, what ground is there for the suspicion which is so widespread in England against Germany, and for the imputation to Germany of evil intentions toward England? Speaking

for myself, and making full use of such opportunities for accurate information as I have had, I say with entire sincerity that I do not believe there is any ground whatever for those suspicions or for those imputations. Nor, what is much more important, has adequate ground for those suspicions and imputations been given by any responsible person.

Are we to believe, for example, that the whole public life in both Germany and England is part of an opera bouffe, and that all the public declarations of responsible leaders of opinion in both countries are meaningless or untrue? Are the increasingly numerous international visits of municipal officials, of clergymen, of teachers, of trades unionists, of newspaper men, as well as the cordial and intimate reception given them by their hosts, all a sham and a pretense? Have all these men daggers in their hands and subtle poisons in their pockets? Are we to assume that there is no truth or frankness or decency left in the world? Are nations in the twentieth century, and nations that represent the most in modern civilization at that, so lost to shame that they fall upon each other's necks and grasp each other's hands and swear eternal fealty as con-

ditions precedent to making an unannounced attack upon each other during a fog? Even the public morality of the sixteenth century would have revolted at that. The whole idea is too preposterous for words, and it is the duty of the thoughtful and sincere friends of the English people, in this country and in every country, to use every effort to bring them to see the unreasonableness, to use no stronger term, of the attitude toward Germany which they are at present made to assume by many of their spokesmen.

But, says the objector, England is an island nation. Unless she commands the sea absolutely her national existence is in danger; any strong navy in hands that may become unfriendly threatens her safety. Therefore she is justified in being suspicious of any nation that builds a big navy. That formula has been repeated so often that almost everybody believes it. There was a time when it was probably and within limits true. One cannot but wonder, however, whether it is unequivocally true any longer. In the first place, national existence does not now depend upon military and naval force. Italy is safe; so are Holland and Por-

tugal, Mexico and Canada. Then, the possibilities of aerial navigation alone, with the resulting power of attacking a population or a fleet huddled beneath a cloud of monsters travelling through the air and willing to risk their own existence and the lives of their occupants for the opportunity to approach near enough to enable a vital injury to be inflicted upon another people, to say nothing of the enginery of electricity, have changed the significance of the word "island." Although an island remains, as heretofore, a body of land entirely surrounded by water, yet that surrounding water is no longer to be the only avenue of approach to it, its possessions and its inhabitants. Even if we speak in the most approved language of militarism itself, it is apparent that a fleet a mile wide will not long protect England from attack or invasion, or from starvation, if the attacking or invading party is in command of the full resources of modern science and modern industry. But if justice be substituted for force, England will always be safe; her achievements for the past thousand years have made that certain.

The greatest present obstacle to the limita-

tion of the armaments under the weight of which the world is staggering toward bankruptcy; the greatest obstacle to carrying forward those social and economic reforms for which every nation is crying out, that its population may be better housed, the public health more completely protected, and the burden of unemployment lifted from the backs of the wage-earning classes, appears to many to be the insistence by England on what is called the two-power naval standard. So long as the British Empire circles the globe and so long as its ships and its goods are to be found in every port, the British navy will, by common consent, be expected to be much larger and more powerful than that of any other nation. Neither in France nor in Germany nor in Japan nor in America would that proposition be disputed. Even the two-power standard might not bring poverty and distress and wasteful expenditure to other nations if naval armaments were limited by agreement or were diminishing in strength. But, insisted upon in an era of rapidly increasing armaments, in this day of *Dreadnoughts*, the two-power standard leads, and must inevitably lead, to huge programs of naval construction

in every nation where the patriotism and good sense of the people do not put a stop to this modern form of madness. The practical sense of the world is against it; only so-called expert theories are on its side.

Under the prodding of alarmists in Parliament and the press, a Liberal ministry has been compelled to say that it would propose and support measures for naval aggrandizement and expenditure based upon the principle that the fighting strength of the British navy must be kept always one-tenth greater than the sum total of the fighting strength of the two next most powerful navies in the world. At first it was even proposed to include the navy of the United States in making this computation. Later that position was fortunately retreated from. But it will be observed that in computing the so-called two-power standard, the English jingoes count as contingent enemies the French and the Japanese, with both of whom their nation is in closest alliance, and also the Russians, with whom the English are now on terms of cordial friendship. In other words, unless all such treaties of alliance and comity are a fraud and a sham, these nations at least should

be omitted from the reckoning. This would leave no important navy save that of Germany to be counted in possible opposition. For this reason, it is just now alike the interest and the highest opportunity for service of America and of the world to bring about the substitution of cordial friendship between England and Germany for the suspicion and distrust which so widely prevail. When this is done, a long step toward an international agreement for the limitation of armaments will have been taken; new progress can then be made in the organization of the world on those very principles for which the English themselves have time-long stood, and for whose development and application they have made such stupendous sacrifices and performed such herculean service.

If America were substituted for England, it would be difficult to see how any responsible statesman who had read the majority and minority reports recently laid before Parliament by the Poor Law Commission, could for one moment turn aside from the stern duty of national protection against economic, educational, and social evils at home, to follow the will-o'-the-wisp of national protection against a

non-existent foreign enemy. England to-day, in her own interest, needs to know Germany better; to learn from Germany, to study with care her schools and universities, her system of workingman's insurance, of old age pensions, of accident insurance, of sanitary and tenement house inspection and reform, and all her other great social undertakings, rather than to spend time and energy and an impoverished people's money in the vain task of preparing, by monumental expenditure and waste, to meet a condition of international enmity which has only an imaginary existence. It is the plain duty of the friends of both England and Germany—and what right-minded man is not the warm friend and admirer of both these splendid peoples?—to exert every possible influence to promote a better understanding of each of these peoples by the other, a fuller appreciation of the services of each to modern civilization, and to point out the folly, not to speak of the wickedness, of permitting the seeds of discord to be sown between them by any element in the population of either.

I like to think that the real England and the real Germany found voice on the occasion of

a charming incident which it was my privilege to witness in September of last year. At the close of the impressive meeting of the Interparliamentary Union, held in Berlin, the German Imperial Chancellor offered the gracious and bountiful hospitality of his official residence to the hundreds of representatives of foreign parliamentary bodies then gathered in the German capital. Standing under the spreading trees of his own great gardens, surrounded by the leaders of German scholarship and of German political thought, Prince von Bülow was approached by more than two score members of the British Parliament, with Lord Weardale at their head. In a few impressive, eloquent, and low-spoken sentences Lord Weardale expressed to the Chancellor what he believed to be the real feeling of England toward Germany, and what he felt should be the real relationship to exist between the two governments and the two peoples. In words equally cordial and quite as eloquent, Prince von Bülow responded to Lord Weardale with complete sympathy and without reserve. The incident made a deep impression upon the small group who witnessed it. It was over in a few min-

utes. It received no record in the public press, but in my memory it remains as a weighty, and I hope as a final, refutation of the widespread impression that England and Germany are at bottom hostile, and are drifting inevitably toward the maelstrom of an armed conflict. What could more surely lead to conviction of high crimes and misdemeanors at the bar of history than for two culture-peoples, with political and intellectual traditions in their entirety unequaled in the world's history, in this twentieth century to tear each other to pieces like infuriated gladiators in a bloody arena? The very thought is revolting, and the mere suggestion of it ought to dismay the civilized world.

The aim of all rational and practicable activity for the permanent establishment of the world's peace, and for the promotion of justice, is and must always be the education of the world's public opinion. Governments, however popular and however powerful, have ceased to dominate; everywhere public opinion dominates governments. As never before, public opinion is concerning itself with the solution

of grave economic and social questions which must be solved aright if the great masses of the world's population are to share comfort and happiness. A nation's credit means the general belief in its ability to pay in the future. That nation which persistently turns away from the consideration of those economic and social questions upon which the productive power of its population must in last resort depend, limits and eventually destroys its own credit. That nation which insists, in response to cries more or less inarticulate and to formulas more or less outworn, upon spending the treasure taken from its population in taxes upon useless and wasteful armaments, hastens its day of doom, for it impairs its credit or ultimate borrowing capacity in a double way. It not only expends unproductively and wastefully vast sums of the nation's taxes, but it substitutes this unproductive and wasteful expenditure for an expenditure of equal amount, which might well be both productive and uplifting. The alternative to press upon the attention of mankind is that of huge armaments or social and economic improvement. The world cannot have both. There is a limit to

man's capacity to yield up taxes for public use. Economic consumption is now heavily taxed everywhere. Accumulated wealth is being sought out in its hiding places, and is constantly being loaded with a heavier burden. All this cannot go on forever. The world must choose between pinning its faith to the symbols of a splendid barbarism and devoting its energies to the tasks of an enlightened civilization.

Despite everything, the political organization of the world in the interest of peace and justice proceeds apace. The movement is as sure as that of an Alpine glacier, and it has now become much more easily perceptible.

There is to be established at The Hague beyond any question, either by the next Hague Conference or before it convenes by the leading nations of the world, acting along the lines of the principles adopted at the second Hague Conference two years ago, a high court of international justice. It is as clearly indicated as anything can be that that court is to become the supreme court of the nations of the world.

The Interparliamentary Union, which has within a few weeks adopted a permanent form of

organization, and chosen a permanent secretary, whose headquarters are eventually to be in the Peace Palace at The Hague itself—an occurrence of the greatest public importance which has, to my knowledge, received absolutely no mention in the press—now attracts to its membership representatives of almost every parliamentary body in existence. At the last meeting of the Interparliamentary Union, held in Berlin, the Parliament of Japan, the Russian Duma, and the newly organized Turkish Parliament, were all represented. By their side sat impressive delegations from the Parliaments of England, of France, of Germany, of Austria-Hungary, of Italy, of Belgium, of the Netherlands, and of the Scandinavian nations, as well as eight or ten representatives of the American Congress. In this Interparliamentary Union, which has now passed through its preliminary or experimental stage, lies the germ of a coming federation of the world's legislatures which will be established in the not distant future, and whose powers and functions, if not precisely defined at first, will grow naturally from consultation to that authority of which wisdom and justice can never be divested. Each year that the rep-

representatives of a national parliament sit side by side with the representatives of the parliaments of other nations, look their colleagues in the face, and discuss with them freely and frankly important matters of international concern, it will become more difficult for them to go back and vote a declaration of war against the men from whose consultation room they have but just come. Among honest men, familiarity breeds confidence, not contempt.

Where, then, in this coming political organization of the world, is the international executive power to be found? Granting that we have at The Hague an international court; granting that we have sitting, now at one national capital and now at another, what may be called a consultative international parliament, in what direction is the executive authority to be looked for? The answer to this vitally important question has been indicated by no less an authority than Senator Root, in his address before the American Society of International Law, more than a year ago. Mr. Root then referred to the fact that because there is an apparent absence of sanction for the enforcement of the rules of international

law, great authorities have denied that those rules are entitled to be classed as law at all. He pointed out that this apparent inability to execute in the field of international politics a rule agreed upon as law, seems to many minds to render quite futile the further discussion of the political organization of the world. Mr. Root, however, had too practical as well as too profound a mind to rest content with any such lame and impotent conclusion. He went on to show, as he readily could, that nations day by day yield to arguments which have no compulsion behind them, and that as a result of such argument they are constantly changing policies, modifying conduct, and offering redress for injuries. Why is this? Because, as Mr. Root pointed out, the public opinion of the world is the true international executive. No law, not even municipal law, can long be effective without a supporting public opinion. It may take its place upon the statute book, all constitutional and legislative requirements having been carefully complied with; yet it may and does remain a dead letter unless public opinion cares enough about it, believes enough in it, to vitalize it and to make it real.

In this same direction lies the highest hope of civilization. What the world's public opinion demands of nations or of international conferences, it will get. What the world's public opinion is determined to enforce, will be enforced. The occasional brawler and disturber of the peace in international life will one day be treated as is the occasional brawler and disturber of the peace in the streets of a great city. The aim of this Conference, and of every gathering of like character, must insistently and persistently be the education of the public opinion of the civilized world.

The world is being politically organized while we are talking about it, and wondering how it is to be done and when it is to come to pass. Little by little the steps are taken, now in the formulation of a treaty, now in the instructions given to representatives at an international conference, now in the new state of mind brought about by the participation in international gatherings and the closer study of international problems, until one day the world will be surprised to find how far it has traveled by these successive short steps. We need not look for

any great revolutionary or evolutionary movements that will come suddenly. A revolutionary movement would not be desirable, and evolutionary movements do not come in that way. Slowly, here a little, there a little, line upon line, and precept upon precept, will the high ethical and political ideals of civilized man assert themselves and take on such forms as may be necessary to their fullest accomplishment.

We Americans have a peculiar responsibility toward the political organization of the world. Whether we recognize it or not we are universally looked to, if not to lead in this undertaking, at least to contribute powerfully toward it. Our professions and our principles are in accord with the highest hopes of mankind. We owe it to ourselves, to our reputation, and to our influence, that we do not by our conduct belie those principles and those professions; that we do not permit selfish interests to stir up among us international strife and ill-feeling; that we do not permit the noisy boisterousness of irresponsible youth, however old in years or however high in place, to lead us into extravagant expenditure for armies and navies; and that, most of all, we shall cultivate at home and in

our every relation, national and international,
that spirit of justice which we urge so valiantly
upon others. *Si vis pacem, para pacem!*

III

ARE WE OUR BROTHERS' KEEPERS?

Opening Address as Chairman of the Lake Mohonk Conference on International Arbitration, May 18, 1910

ARE WE OUR BROTHERS' KEEPERS?

No well-informed observer is likely to deny that the cause which this Conference is assembled to promote has made important progress during the past year. The several striking incidents which mark that progress—including, in particular, the identic circular note of Secretary Knox bearing date October 18, 1909, proposing the investment of the International Prize Court with the functions of a court of arbitral justice, and the hearty approval which the proposal has met; the public declaration of President Taft, made in New York on March 22, 1910, that there are no questions involving the honor or the interests of a civilized nation which it may not with propriety submit to judicial determination; the action of the Congress in making an appropriation for the Bureau of the Interparliamentary Union for the Promotion of International Arbitration, thus committing the United States Government officially to that admirable undertaking; and, finally,

the forthcoming submission to the arbitral tribunal at The Hague of the century-old controversy between Great Britain and the United States as to the Newfoundland fisheries—all these are encouraging in high degree. To those who are impatient for the attainment of our ideal we can only say that progress toward it is steadily making and that the chief forces now at work in the world, political, economic, and ethical, are co-operating with us to bring about its attainment. To those who fear that we may make progress too fast and that some measure of national security will be sacrificed in pushing forward to establish international justice, we can only say that justice is itself the one real and continuing ground of security for both men and nations, and that heretofore in the history of mankind the devil has always been able to take care of his own cause without the necessary aid and comfort of the forces in the world that are aiming at the overthrow of the rule of any power but right.

The chief danger that we practical persons run in our endeavor to accomplish a practical end in a practical way against the opposition of the dreams and illusions of theorists who,

groping as in a fog, assume that mankind must be forever ruled by brute force and cruelty and lust for power and for gain, is that we may fail to recognize that the cause of international justice rests upon and is part of a complete philosophy of life. It cannot be advocated or conceived as something that stands apart from and in no relation to our modes of thinking and acting, whether as individuals or as nations, in respect to all interests and to all problems. To some it may appear to make our task more difficult, to others it may seem to make it more easy, when we say that this task is nothing less than part and parcel of the moral education and regeneration of mankind. To suppose that men and women into whose intellectual and moral instruction and upbuilding have gone the glories of the world's philosophy and art and poetry and religion, into whose lives have been poured for two thousand years the precepts and the inspiration of the Christian religion, over whose daily conduct have been thrown since the days of Draco and of Solon the restraints of law and of consideration for the rights and property of others—to suppose that these men and women, when gathered together in groups called nations,

speaking a common language called a mother tongue and owing allegiance to a definite set of political institutions called a government, are, when matters of dispute and difficulty and doubt arise, to fly at each other's throats, to burn, to ravage, to kill, in the hope of somehow establishing thereby truth and right and justice, is to suppose the universe to be stood upon its apex, to suppose the onward sweep of human progress to be toward bestiality and bedlam, and to suppose the teachings of religion and of morals, the inspiration of poetry, of painting, and of song, to be to the end that we may be made ready for new acts of valorous ferocity and carnage. Who, I pray you, are the dreamers, who are the theorists—those who appeal to the rule of justice or those who appeal to the rule of brute force?

Let us not be mistaken about all this. Men who are themselves preying upon the public interest from private station or from public office are not going to be the first to urge the cause of international justice. The men who cannot succeed in holding in check their own tempers, their own lusts, and their own greed, are not going to cry out for the establishment

of an international court of arbitration. We have set out in this undertaking—now perfectly certain of accomplishment at a date no longer remote—without the aid and comfort of those elements of the world's population. Moreover, we are not likely to gain much assistance from the cynical observer of his kind whose faith is not adequate to the entire observation of history and of men. His keen vision and quick wit see readily enough the bad and selfish side of public and of private life, and he contents himself with a jeer and a sneer at those who propose to turn that life inside out.

Some of these elements are elements of indifference, some are elements of active opposition. To those who represent the element of indifference I cheerfully accord the most powerful place among the opponents and obstacles of our program. Those who are in active opposition need not detain us long. The assumptions which are their grotesque substitutes for argument and the fallacies which they hug to their several bosoms as illustrations of perfect logic, are too easily confuted to make them dangerous. Not many men have courage enough to go through the world shouting that war is

a virtue and should be actively promoted by all moral and upright men. The few who do so live in a world of sentiment and false emotions; they do not know or face the real facts. It is to the everlasting glory and honor of the world's greatest soldiers in modern times that they have always put peace above war and that they have done their best, by ability and courage and skill, to bring to a prompt end the wars in which they found themselves engaged in order that the blessings of peace might once more be spread over the land. There is no one who so appreciates the significance of the judicial settlement of international differences as the brave soldier or sailor who, at his country's command, has done his best to settle those differences by display or exercise of force.

There is one other type of citizen who must be mentioned, because the type is numerous, influential, and important. This is the type which holds the view that, of course, international arbitration is a thing greatly to be desired; of course, we must all hope for the day when that at present distant, impracticable, and wholly praiseworthy ideal shall be reached; but that, until that day—which is probably to be

the Greek Kalends—we must continue to tax our great modern industrial nations, struggling as they are under the burdens of popular education and of economic and social betterment, in order that death-dealing instrumentalities may be increased and multiplied and the several nations thereby protected from invasion and attack. This procedure, so the curious argument runs, is to hasten the coming of international arbitration and to promote it. Civilized men, it appears, are to be shot or starved into agreeing to arbitrate.

This point of view requires for adequate treatment, not the arguments of a logician, but the pencil of a Tenniel or the caustic wit of a Mr. Dooley. Look at the situation in the world to-day as this type of man presents it to us. Of course, the United States is a peaceful nation; of course, Great Britain is a peaceful nation; of course, Germany and France and Japan are peaceful nations; but therefore, because they propose to attack nobody they must so strengthen their defences, so multiply their navies and increase their armies, that nobody can successfully attack them. Who, pray, is left to attack these peaceful and law-abiding

nations if, as we are assured by everybody—both leaders of governments, the moulders of public opinion, and the substantially unanimous press of the world—they do not propose to attack each other, unless it be an army of white bears from the newly-discovered North Pole or a procession of elephants and camelopards from the jungles of Central Africa? The gullibility of mankind was never more conclusively demonstrated than by the widespread acceptance of this huge joke, which, unlike most other jokes, has to be paid for at a literally stupendous price. Children must go untaught, sanitary inspection and regulation must go unprovided, better workmen's dwellings must be postponed, provisions for recreation and enlightenment must be put off, conditions accompanying labor, poverty, and old age must go indefinitely without amelioration, in order that in this twentieth century men and nations, who, looking in the glass, call themselves intelligent and practical, may support, maintain, and propagate this stupendous joke! Either the whole world is being deluded by a witticism of cosmic proportions or some important persons are conspiring to tell an awful lie.

I am one of those who look for the simplest motives in explanation of action or of conduct. My impression is that somebody makes something by reason of the huge expenditures in preparation for war. Have you ever noticed that about the time that the appropriations for military purposes are under consideration in the Congress, in the House of Commons, in the Chamber of Deputies, or in the Reichstag, or just before such a time, hostilities are always on the point of breaking out in two or three parts of the world at once? Just at these times war prophets begin to see visions and to dream dreams, and the poor, gullible people rush off to their cyclone cellars and shout timorously to their representatives to vote at once and as much as possible in order that great ships and guns and forts may be built to protect them from their fears. We have done of late some helpful and illuminating legislative inquiry in this country. It might be worth while to have the same sort of ability that has so brilliantly exposed to our repelled and astonished gaze other forms of political chicanery and graft, make some measurement of the sincerity and disinterestedness of the lively type of patriotism

which accompanies these military and naval debates the world over. Is the propelling motive for them to be found in economics or in psychology? My strong impression is that while both of those admirable sciences are represented in the make-up of that propelling motive, economics is not always the less important of the two.

Patriotism is a noble and a lofty virtue, but it is worth while always to remember the sagacious observation of Dr. Johnson, which Boswell so faithfully reports. "Patriotism having become one of our topics," says Boswell, "Johnson suddenly uttered in a strong, determined tone, an apothegm at which many will start: 'Patriotism is the last refuge of a scoundrel.'" "But let it be considered," continues Boswell, "that he did not mean a real and generous love of our country, but that pretended patriotism which so many in all ages and countries have made a cloak for self-interest."¹

What is needed is to leave off deluding ourselves with phrases, with shams, and with false historical analogies and to look the facts as they are in the face. Not everything that we wish

¹ Boswell's "Life of Johnson" (Oxford, 1906), I, 583.

for will be accomplished at once or suddenly. Moral regeneration is an even slower and more difficult process than intellectual upbuilding; but custom and habit are powerful allies and the world's imagination is fast becoming accustomed to the judicial settlement of international differences. The Supreme Court of the United States, whose opinions are so often luminous with sound political philosophy, has declared that "the right to sue and defend in the courts is the alternative of force. In an organized society it is the right conservative of all other rights and lies at the foundation of orderly government. It is one of the highest and most essential privileges of citizenship and must be allowed by each State to the citizens of all other States to the precise extent that it is allowed to its own citizens."² In making this statement of fundamental principle, the Supreme Court had in mind the rights of individuals and the States which are bound together in our Union. But what is there in that statement of fundamental principle which may not logically, ethically, and practically be applied to the rights of nations, great and small, bound to-

²"United States Reports," 207: 148.

gether by treaties and interdependences of every kind into a great world commonwealth?

The harder we press our adversaries and critics on this point the less satisfactory do their answers become. To say that men have always, as a last resort, settled their differences and difficulties by force and that therefore they will always continue to do so, is simply silly. To say that a nation's honor must be defended by the blood of her citizens if need be, is quite meaningless, for such a nation, although profoundly right in its contention, might be defeated by superior force exerted on behalf of a wrong and unjust view. What becomes of national honor then? It would appear that a nation's honor can only be entrusted either to the operations of the established principles of justice or to a force so overwhelming that no adversary could stand against it. This is indeed the dilemma which confronts the civilized world to-day: either the judicial settlement of international differences must be accepted as a universal principle or the world must become a series of armed camps sucking up like a vampire, in vain and competitive expenditure, the very blood of the people's economic and polit-

ical life. The one road leads to civilization, to international comity, to concord, and to peace; the other leads back to barbarism, to discord, to contention, and to war. Which will mankind choose as a permanent policy? From which vantage-point will appeal be made to the sober judgment of history? From that of justice or from that of armed force?

There are those, mostly philosophers of the closet sort, who could never be induced to expose themselves to the physical dangers of war, who pretend to believe that unless we have frequent and destructive wars the population of the world will not be held sufficiently in check, and that, sooner or later, the earth's spaces will be crowded by peaceful, but undesirable, persons for whose activities there is no adequate room. One may or may not be disposed to deal seriously with this contention; I am not so disposed.

There still remain those who fear that without conflict there will be no proper training-school for the sterner virtues of mankind and that courage, bravery, and patriotism will atrophy unless exercised from time to time in war and conflict. A very interesting essay

might be written on this topic and on the discipline and encouragement which the sterner virtues receive in the daily round of domestic, business, and personal life as well as in the thousand and one acts of helpfulness and generosity and sacrifice by which the sweetest, as well as the strongest, characters in this world are made. It is hard to listen with patience to the rattling rhetoric of him who would trace back the sterner virtues to mere brute instincts and who would strive to hold them there. The teachings of religion and of morals have left quite untouched any man who can seriously suppose that without practice in the exercise of brute force there can be no strength.

One of the earliest questions recorded in history is the petulant query of Cain, "Am I my brother's keeper?" On the answer to this question all civilization depends. If man is not his brother's keeper, if he may slay and rob and ravage at will for his own advantage, whether that be personal or national, then civilization becomes quite impossible. It is vain to attempt to divert us by analogies drawn from the past history of the race. Mankind has been climbing upward and neither standing on a level nor go-

ing down hill. Acts, policies, and events which are easily explainable and in large part defensible in other days and under other conditions are neither explainable nor defensible now. The twentieth century cannot afford to receive its lessons in morals, whether personal or national, from the fifteenth or the sixteenth. We are our brothers' keepers and they are ours. The whole world has become a brotherhood of fellow-citizens. The barriers of language are slowly breaking down; wars of religion are almost unheard of; distance in space and time has been practically annihilated by steam and electricity; trade is as easy to-day between New York and Calcutta or between London and Hong Kong as it once was between two neighboring shops in the bazaars of Damascus on either side of the street called straight. What possible reason is there why the fundamental principles which civilization applies to the settlement of differences between individuals cannot now be applied to the settlement of differences between nations?

We may well take satisfaction in the contribution which our government has made in re-

cent years toward the progress of the movement for the judicial settlement of international differences. Hand in hand with these contributions there should go, however, the resultant refusal farther to increase and expand armaments on land and sea, and a more complete control over the provocative and annoying expressions of opinion in regard to other nations and other forms of government than our own.

Let me add a final word or two as to each of these matters. There is a broad distinction between proposals for disarmament and proposals for the limitation of armaments. When a nation like the United States, holding the views which its people profess and which its government constantly voices, has, as it now has, a navy and the nucleus of an army entirely adequate for purposes of defence, a stop should be put to the farther increase of armaments. It is urged in opposition that no nation can afford to take this step alone and that until an international agreement for the limitation of armaments is arrived at, each great nation must press forward, at whatever cost, to multiply the provisions for its armed forces. However plausible this argument may be when addressed to a Eu-

ropean nation, it fails entirely when addressed to the United States. If the best way to resume was to resume—and we learned by experience in 1879 that it was—then the best way to limit armaments is to limit them. In this policy the United States has not only nothing to lose, but everything to gain, by leading the way. It is no small satisfaction to point out that increasing support for this view is to be found in the public opinion of the country, reflected both in the debates and votes in the Congress as well as in the more influential portion of the newspaper press.

There remains the matter of what may be called petulant and teasing criticism on the platform and in the press of the acts and policies of nations other than our own. A good many nations and peoples have, in the history of the world, assumed for themselves an attitude of superiority toward their fellows, and have shaped their beliefs and their practices accordingly. It will not be generally thought, I fancy, that the historic results of this course of conduct have been either fortunate or happy. The fair, as well as the wise, method to pursue in criticism and comment upon happenings elsewhere is to assume an intelligent purpose, a

good will, and a lofty motive on the part of the foreigner, until the contrary is definitely proven. An attitude of international disdain is not becoming to statesmen, to journalists, or to private citizens. The history of civilization might be written in terms of man's progress from fear to faith. As he has ceased to fear his neighbors and as he has come to have trust in them, he has been able to build up institutions that have lasted. Just as the individual has substituted faith in his fellow-man for fear of him, so nations may well divest themselves of fear in favor of faith in the other nations of the world.

The United States has done so much to educate world opinion in the past century and a half that we may well be ambitious for it to do still more. We have shown that to all appearances a federal form of government, extended over a wide area and embracing many competing and sometimes conflicting interests, is practicable, and that it can survive even the severe shock of civil war. We have shown that under the guidance of a written Constitution, judicially interpreted, there is room for national growth and expansion, for stupendous economic development, for absorption into the body politic

of large numbers of foreign born, and for the preservation of civil liberty over a considerable period of time. Suppose now that during the next few decades it might be given to us to lead the way in demonstrating to the world that great sovereign nations, like federated states, may live and grow and do business together in harmony and unity, without strife or armed conflict, through the habit of submitting to judicial determination all questions of difference as they may arise, the judicial decree when made to be supported and enforced—after the fashion in which judicial decrees are everywhere supported and enforced—by intelligent public opinion and by an international and neutral police. Might we not then be justified in believing that the place of our beloved country in history was secure?

What more splendid foundation could there be upon which to build an enduring monument to the American people than their guarantee and preservation of civil liberty together with national development at home, and their leadership in establishing the world's peace together with international development all around the globe? Dare we leave anything undone to put

our own land in the place of highest honor by reason of its contribution to the establishment of the world's peace and order and happiness through the rule of justice—a rule accepted because it is just and bowed down to because it is right? What picture of glory and of honor has the advocate of brute force to offer us in exchange for this?

The great movement in which we are engaged is all part and parcel of a new way of life. It means that we must enter with fulness of appreciation into the activities and interests of peoples other than ourselves; that we must always and everywhere emulate the best they have to teach us and shun the worst; that we must answer in no uncertain tones that we are our brothers' keepers; and that, as with men so with nations, the path of justice, of integrity, and of fair dealing is the true path of honor. Let us see to it that we Americans tread steadily in it.

IV

THE EDUCATION OF THE WORLD FOR PEACE

Opening Address as Chairman of the Lake Mohonk Conference on International Arbitration, May 24, 1911

THE EDUCATION OF THE WORLD FOR PEACE

The reassembling of this Conference for its seventeenth annual session takes place at a moment and under circumstances when our feelings of exhilaration and enthusiasm run high. Never before has the mind of the world been so occupied with the problems of substituting law for war, peace with righteousness for triumph after slaughter, the victories of right and reasonableness for those of might and brute force. It begins to look as if the stone of Sisyphus that has so often been rolled with toil and tribulation almost to the top of the hill, only to break loose and roll again to the bottom, is now in a fair way to be carried quite to the summit. The long years of patient argument and exhortation and of painstaking instruction of public opinion in this and other countries are bearing fruit in full measure. In response to imperative demands of public opinion, responsible governments and cabinet ministers are just now diligently busying themselves with plans which but

a short time ago were derided as impractical and visionary. Even the genial cynic, whom, like the poor, we have always with us, is quiescent for the moment. But a new adversary has been lured from his lurking place. Arguments are now making, in publications not wholly given over to humorous writing, that war and the preparations for war must not be harshly and rudely interfered with by the establishment of international courts of justice, because these wars are part of the divine order of the universe. This is certainly important, if true. We used to be told that war was essential for the development of the highest moral qualities; we are now assured that it is part of a true religious faith as well. Surely, in this sublime contention lack of humor has done its worst! The establishment of peace through justice and of international good will through international friendship, must be making great strides when its adversaries are willing to appear in so ridiculous a guise.

A clever observer of his kind said not long ago that whenever some occupation was discovered making for the peace of the world that was as profitable as is the preparation for war, then the

age of militarism would be over. This statement touches upon a very profound and far-reaching truth to which I ventured to allude in this place a year ago. This truth is one that must be seriously reckoned with. We have now reached a point where, unparalleled enthusiasm having been aroused for a rational and orderly development of civilization through the co-operation of the various nations of the earth, it remains to clinch that enthusiasm and to transform it into established policy by proving to all men that militarism does not pay and that peace is profitable. We must meet the money-changers at the doors of their own counting-houses. Just so long as the great mass of mankind believe that military and naval rivalry between civilized nations creates and protects trade, develops and assures commerce, and gives prestige and power to peoples otherwise weak, just so long will the mass of mankind be unwilling to compel their governments to recede from militaristic policies, whatever may be their vocal professions as to peace and arbitration and as to good will and friendship between men of different tongues and of different blood.

The fact of the matter is that these widely

held beliefs as to the relation between armaments and trade are wholly fallacious, and represent the survival of a state of opinion and a state of fact which have been superseded for at least a generation. These fallacious beliefs are now the point in the wall of opposition to the establishment of peace through justice, at which sharp and concentrated attack should be directed. Overthrow these and there will not be much opposition left which is not essentially evil in its intent.

Fortunately, by reason of the great benefaction of Mr. Carnegie, the world now has in its possession a powerful engine for the accomplishment of precisely this end. The establishment of the Carnegie Endowment for International Peace marks an epoch, in that it furnishes the organization and the means for a sustained and systematic effort to reach and to convince the public opinion of the world by scientific argument and exposition. Talk about the evils of war there has been in plenty; we are now ready and anxious for something more constructive.

The Trustees of the Endowment have taken a broad and statesmanlike view of its aims and

purposes. While they do not overlook the value of the work of propaganda and intend to aid in carrying it on, they believe that the time has come when the resources of modern scientific method and of modern scholarship should be brought to bear upon the problem of international relations. They believe that the leading jurists and economists of the world should be set at work in the service of humanity to ascertain just what have been and are the legal and economic incidents of war, and just what are the legal and economic advantages to follow upon the organization of the world into a single group of friendly and co-operating nations bound together by the tie of a judicial system resting upon the moral consciousness of mankind, from whose findings there can be no successful appeal. The plans of the Trustees have been formulated with these ends in view.

It has been determined by the Trustees of the Carnegie Endowment to organize the undertaking committed to their charge as a great institution for research and public education and to carry on its work in three parts or divisions,—a Division of International Law, a Di-

vision of Economics and History, and a Division of Intercourse and Education. Otherwise stated, these three Divisions will represent the juristic, the economic, and, broadly speaking, the educational aspects of the problem before the Trustees, which is to hasten the abolition of international war by the erection of an international judicial system competent to hear and to determine all questions of difference arising between nations.

The Division of International Law will be under the direction of Professor James Brown Scott, whose services at the Department of State, at the second Hague Conference, and in connection with the American Society and Journal of International Law, are too well known to need specific enumeration. This Division will promote the development of international law, and by study, by conferences, by aiding negotiations, and by publication, it will assist in bringing about such a progressive development of the rules of international law as will enable them to meet with constantly growing adequacy the needs of the nations of the world in their juristic relations toward each other. It will not be sufficient, however, to

bring the principles and rules of international law to the notice of the people of various nations; the rights and duties that are implied in these principles and rules, and that follow from them, must also be clearly and effectively taught. Furthermore, this Division of the Endowment will aim constantly to inculcate the belief that intercourse between nations should be based upon a correct and definite idea of international justice. To the perfecting and clarifying of the fundamental conception of international justice, this Division will assiduously devote itself.

All this study and activity have for their object to hasten the day when the principles and rules of international law will be so clearly apprehended and so satisfactory that the settlement of international differences and disputes in accordance with their terms will become the unvarying practice of civilized nations.

For this purpose the Endowment will associate with Dr. Scott a consultative board composed of some of the most distinguished international lawyers in the world. The point of view of each great nation will be represented in their councils, and the results to be arrived

at will be the joint work of jurists of every school and of every language. It is not too much to hope that by the influence of these scholars the international law of the future will prove to be without the division between the law of peace and the law of war which is now characteristic of it. The method which obtains in the domain of municipal law affords a model and an example for the method to be applied in the field of international law. We need, first, an agreement as to the fundamental principles which should regulate the rights and duties of nations in their mutual intercourse, which principles would then form the substantive law of nations. The means and instrumentalities provided to enforce a right or to redress a wrong would indicate the natural and normal procedure to be followed in international discussion and litigation. It would then appear that for the maintenance of rights and for the redress of wrongs between nations there are, first, the legal remedies, and, secondly, the resort to violence and force. In this way the rules of war would cease to form a part of the substantive law of nations; they would be classed together with the peaceable remedies and after them as

one of the possible means of enforcing rights and redressing wrongs. The text-books of international law would no longer put war on an equality with peace, but would relegate it to its appropriately subordinate place in the consideration of questions of procedure.

The Hague Conference has solemnly declared that the maintenance of peace is the supreme duty of nations. For the execution of this supreme duty adequate means must be provided. If they are at hand they should be strengthened; if they are not at hand they must be brought into existence. A study of the struggle in the history of Europe between self-redress and the judicial settlement of private disputes, and of the steps by which private warfare was abolished and civil actions were made determinable by courts of law, will help to convince the nations of the world that the very measures which they have taken within their several borders to do away with self-redress and to establish domestic peace and order, are precisely those which will establish order and justice and assure peace between the nations themselves. This whole process is one of legal evolution.

The second Division of the work of the Car-

negie Endowment will be the Division of Economics and History. It will be under the direction of Professor John Bates Clark, of Columbia University, whose leading place among English-speaking economists is gladly recognized everywhere. The work of this Division, like that of the Division of International Law, will be scientific and scholarly in character, in organization, and in method. Like the Division of International Law, the Division of Economics and History will aim at the education of public opinion and at the formulation of conclusions that may serve for the guidance of governmental policy. With Professor Clark will be associated a score of the world's leading economists. England, Germany, France, Italy, Austria, Hungary, Switzerland, Holland, Denmark, Japan, the Argentine Republic, and other nations will have a voice and a part in formulating the problems to whose solution this Division will address itself, and in working out the solutions of those problems. The results arrived at in this case, as in the case of the Division of International Law, will not be those imposed upon the judgment of one people by the scholars and economists of another, but they

will be those that are reached by co-operation between economists of a dozen nations.

It will be the business of this Division of the work of the Endowment to study the economic causes and effects of war; the effect upon the public opinion of nations and upon international good will, of retaliatory, discriminatory, and preferential tariffs; the economic aspects of the present huge expenditures for military purposes; and the relation between military expenditures and international well-being and the world-wide program for social improvement and reform which is held in waiting through lack of means for its execution.

The highest expectations may confidently be entertained as to the practical results to follow from the successful prosecution of economic studies such as these. Mankind has never yet learned to appreciate the dislocation which war necessarily produces in the economic processes of production, distribution, exchange, and consumption all over the world. A war between two nations is not confined in its effects to the combatants. The interests of neutral powers are involved in some degree. Articles for which there is no market in time of peace are called

for in large amounts in time of war; the processes of production are diverted from their normal channels or are artificially stimulated in abnormal ways; exchange is alternately diminished and accelerated; the markets of the world are disarranged; and in every direction are to be found evidences of war's ravages and evil consequences. Mankind must be taught to look upon war as a pathological phenomenon; to seek in the economic and social life of men and nations for its most active causes; and to look farther and deeper in that same economic and social life for modes of preventing war and for allowing the economic activities of mankind to go forward unhindered and unhampered in their mighty task of laying the basis for an increasingly higher and nobler civilization.

The work of this Division of the Endowment may well result, within a measurable period, in broadening the study and the teaching of political economy everywhere. Moreover, it will help to bring about a new conception of history, and to establish new tests of effectiveness in the teaching of it. We shall gain from these studies a new standard in the measurement of human values, and the children of the genera-

tions that are to come will have an opportunity to learn more fully than has yet been possible of the high significance of the scientific and philosophic development of mankind, of his artistic and literary achievements, of his moral and social advances, of his industrial and commercial undertakings; in fact, of all those things which we justly think of as entering into a true conception of civilization.

In these two Divisions—those of International Law and of Economics and History—the Endowment will, under the leadership and guidance of trained scholars of the first rank, seek to make constant and influential contributions to human knowledge with a view to so instructing public opinion as to hasten the day when judicial process will everywhere be substituted for force in the settlement of international differences and misunderstandings.

There remains a third and important division of the work of the Endowment—the Division of Intercourse and Education—the director for which has not yet been announced. It will be the function of this Division to supplement the work of the two Divisions, which may be called, perhaps, the scientific ones, by carrying forward

vigorously, and in co-operation with existing agencies, the educational work of propaganda, of international hospitality, and of promoting international friendship. Among the tasks of this Division will be to diffuse information and to educate public opinion regarding the causes, nature, and effects of war, and the means for its prevention and avoidance; to establish a better understanding of international rights and duties and a more perfect sense of international justice among the inhabitants of civilized nations; to cultivate friendly feelings between the inhabitants of different countries, and to increase the knowledge and understanding of each other of the several nations; to promote a general acceptance of peaceable methods in the settlement of international disputes; and to maintain, promote, and assist such establishments, organizations, associations, and agencies as shall be deemed necessary or useful in the accomplishment of the purposes for which the Endowment exists. In other words, this Division will make practical application of the teachings and findings of the Divisions of International Law and of Economics and History.

It can hardly be doubted that the men at

the head of these three important Divisions of the work of the Endowment, with their immediate associates and colleagues in this and other countries, will speedily come to form a veritable Faculty of Peace, and that the world will look to them more and more for instruction and for inspiration alike. No such broad and philosophic conception of international relations has ever before been put forward as that which the Trustees of the Endowment have formulated and made their own. The conception itself and the admirable plans made for its development and application open a new era in the history of the world.

To such great and nobly conceived tasks as these the Trustees of the Carnegie Endowment for International Peace have set their hands. Every true lover of his kind will wish them success in their stupendous undertaking, and will offer them earnest and hearty support toward its accomplishment.

The organization of an international judicial system goes steadily on. The auspicious settlement of the differences between Great Britain and the United States in regard to the New-

foundland Fisheries, by their submission to the International Court of Arbitration at The Hague, was at once a long step forward in international practice and an example which has not been without its effect upon the public opinion of other nations. It must not be forgotten that an International Court of Prize was created by the second Hague Conference, and that the same body, composed of accredited representatives from forty-four different nations, recommended the establishment of an International Court of Arbitral Justice. So soon as these two Courts shall be put into operation at The Hague a permanent international judiciary will have been created,—one capable of hearing and deciding any and every controversy of a justiciable character which may arise between nations either in time of peace or because of the existence of a state of war.

The convention for the establishment of the International Court of Prize has been approved by thirty-four nations. Despite this fact, the Court has not yet been instituted. Various objections have been made to its institution as planned, and to overcome these objections no little time, patience, and diplomatic skill have

been necessary. It is common knowledge that Great Britain objected to that article of the convention establishing the International Court of Prize which gave to the Court the power to determine, as well as to administer, the law where the principle of law applicable to the facts as found had not yet been formulated by international practice or imposed upon the Court by convention. Great Britain did not wish to invest the International Court of Prize with law-making functions, and therefore postponed its acceptance of the convention until an agreement had been had upon the principles of law which the tribunal was to administer. Upon the invitation of the Government of Great Britain, representatives of the leading naval powers assembled in London from December 4, 1908, to February 26, 1909, and agreed upon the so-called Declaration of London, the purpose of which is to furnish the proposed tribunal with the law which as the International Court of Prize it is to administer. In this way the objection of Great Britain has been met.

On the other hand, the United States objected to those provisions of this same convention which gave to the proposed tribunal the attri-

butes of a court of appeal, and under which a judgment of the Supreme Court of the United States might be subject to review at its hands. This objection, which must be considered in large part sentimental, drew its force from the fact that under the Constitution there is but one Supreme Court, and that an appeal from its findings to an International Court at The Hague would seem to take away some of the powers which the Supreme Court possesses and of which Americans are so justly proud. This objection is, as has been said, in large measure sentimental, because the International Court of Prize is to be, not a national, but an international institution, and the Constitution applies, of course, to a court within the United States and not to one without the country. Nevertheless, an alternative form of procedure has been proposed, which meets the objections offered on behalf of the United States and which, embodied in the form of an additional protocol, has been approved by the signatories of the original Convention. By the terms of this additional protocol, any nation which feels itself precluded from following, for constitutional reasons, the procedure originally proposed for the Interna-

tional Court of Prize, is placed in a position where recourse to that Court can only be exercised against it in the form of an action in damages for the injury caused by an alleged illegal capture.

On February 15, 1911, the Senate of the United States approved both the original Convention as to the International Court of Prize and the additional protocol. Ratifications of both instruments by the various signatories will doubtless be deposited at The Hague during the present year, and the International Court of Prize will then become an accomplished fact.

Great as are the advantages of an International Court of Prize, the fact must not be overlooked that the very existence of such an institution presupposes war; for its purpose is to decide controversies arising because of alleged illegal captures in time of war. The International Court of Arbitral Justice, on the other hand, has for its purpose the settlement of controversies and differences which arise in time of peace, and which, when settled and determined, may avert hostility and war. It will be remembered that at the second Hague Conference the proposal of the United States in regard

to the establishment of this Court was accepted in principle, and that a draft convention was adopted regulating its organization, jurisdiction, and procedure; but that the definitive constitution of the Court was not agreed upon because the Conference failed to hit upon a method of selecting the judges that was acceptable to all of the nations represented.

The Government of the United States has been at work, through appropriate diplomatic channels, upon the problem of bringing about the establishment of this Court, and it is with no small satisfaction that I am enabled to say that the progress which is making in the consideration of this matter indicates that it will be brought to a favorable conclusion in the near future. At this Conference one year ago, the Secretary of State authorized the announcement that he had reason to believe that the International Court of Arbitral Justice would be instituted before the time set for the meeting of the third Hague Conference. It is now possible to say, again with the knowledge and approval of the Secretary of State, that the progress made during the past year has been so marked that in all likelihood such a Court,

created by general agreement, will be erected at The Hague even earlier than seemed probable a year ago.

Both war and peace, therefore, are soon to have their courts—the International Court of Prize and the International Court of Arbitral Justice. There can be no reasonable doubt that one of the results of the latter will very soon be to make the former a monument to an order of things that is past.

The nations are still struggling with the problem of inflated armaments, and no sensible progress has been made toward gaining relief from their burdens. Those who believe, with this Conference, in the efficacy of international courts for the settlement of international differences, are inclined to feel that these great armaments may well be left to tumble over, one of these days, of their own unnecessary weight. When, as we have recently seen, the successful and popular battleship of a few years ago is only useful as a target for the marksmen of to-day, the future of excessive armaments may be viewed with comparative serenity.

The widespread persistence of the mistaken notion that in some way big navies protect and develop commerce is responsible for much of the present national loss and waste. The last blow would be dealt to this notion if the other great powers would consent to join the United States in writing into international law the principle that private property at sea shall be free of capture and seizure in time of war. Preying upon private property, and its confiscation, have long been forbidden in wars conducted on land; why should they be permitted longer to exist when war is carried on at sea? Who is to gain by the continuance of this now barbarous practice?

It is a sign of great promise that at the last regular meeting of the Council of the London Chamber of Commerce no less a person than Lord Avebury moved "that, in the opinion of this Chamber, private property at sea should be declared free of capture and seizure." The motion was carefully discussed and then adopted by a unanimous vote. The conflict here is between admiralities and the commercial and financial forces of the nations. The admiralities of the world must be compelled to give way on this

point—where they have not already done so—to the reasonable demands of those whose property is subjected to loss and damage by persistence in the present unhappy and uncivilized policy, to say nothing of the demands made by those who take still higher moral and public grounds. As Mr. Hirst, Editor of the London *Economist*, so forcibly wrote a short time since—“This policy of commerce destruction is really moribund and obsolete. If practised between two great commercial nations it would raise such an outcry and involve such injustices that I feel sure it would be dropped by mutual consent at an early stage of hostilities. Nevertheless, the maintenance of the right is highly mischievous, because it is a prime incentive to armaments in time of peace and a prime cause of oppressive taxation. Statesmen and journalists found most of their arguments for increased expenditure on armaments upon the necessity for protecting commerce. To a greater or less extent they know that their plea is fraudulent, but it serves the purpose.”

When the Senate of the United States refused, fourteen years ago, to ratify the proposed arbi-

tration treaty with England negotiated by Secretary Olney and Sir Julian Pauncefote, and transmitted with the earnest approval of President Cleveland, there was deep disappointment. At that time forty-three Senators voted for ratification and twenty-six against. The treaty, therefore, failed to receive the two-thirds majority required by the Constitution. A change of three votes from the negative to the affirmative side of the question would have ratified a treaty, the first article of which provided for the submission to arbitration of all questions in difference between the high contracting parties which they might fail to adjust by diplomatic negotiation. The disappointment at the rejection of the Olney-Pauncefote treaty was as pronounced in Great Britain as it was in the United States. The London *Spectator* thought that the rejection of the treaty was due to the element of our population that likes a fight and a flourish, that hates moderation and sobriety and prudence, and that cannot tolerate the notion of the fate of the country being in the hands of clergymen and professors, of lawyers and philanthropists. However that may be, the treaty was rejected, and not until the present time

has any successful attempt been made to renew the undertaking then interrupted. President Taft's direct, unequivocal, and emphatic declaration as to the scope of international arbitration, and in particular as to the wisdom of an international arbitration treaty with Great Britain, has aroused the greatest enthusiasm on both sides of the Atlantic. The reception of his words in Great Britain has been, so far as one can judge, quite unexampled. Every element of the population and the leaders of all shades of political opinion have joined together in an enthusiastic reception of the President's splendid declaration. It is understood that an arbitration treaty with Great Britain, making no reservations as to the subjects of difference which are to be submitted for judicial determination in accordance with its terms, is soon to be submitted to the Senate for ratification. It is also understood that the preliminary negotiations have been conducted with such discretion and tact, and with such full knowledge on the part of the Senate, that prompt and substantially unanimous ratification of such a treaty is assured.

Surely then, some American poet should feel

the inspiration to provide our Republic with a Peace Hymn that would stir and move and inspire as did Julia Ward Howe's fine "Battle Hymn of the Republic" at the outbreak of the terrible struggle between the States. Nations, like individuals, are powerfully moved by example and by precedent. A treaty of the kind proposed between two powers of the first class will not long stand alone. Its beneficent influence will call other similar treaties into being, and the peaceful organization of the world through judicial process will have taken another long stride forward. Every such stride forward is a new triumph for reasonableness.

V

THE INTERNATIONAL MIND

Opening Address as Chairman of the Lake Mohonk Conference on International Arbitration, May 15, 1912

THE INTERNATIONAL MIND

At the time of our gathering one year ago it was natural and almost inevitable that a note of congratulation and happy augury should be sounded. All the signs both at home and abroad seemed propitious, and those who had labored so long and so earnestly to promote the cause of international justice and international peace could reasonably feel that substantial progress toward the goal of their hopes had been made. To-day we meet in a somewhat different atmosphere. Many of us find ourselves troubled by doubts and harassed by disappointment. Within sixty days after the Conference of 1911 had risen, two of the greatest, most powerful, and most enlightened nations known to history were widely believed to be on the verge of armed conflict about something which nobody was able to understand or to explain. The newspaper press of the world was filled with the most terrifying alarms. Charges and countercharges, sus-

pitions and countersuspitions, were heralded all round the globe and the hearts of the lovers of peace with justice sank within them. All at once modern civilization seemed bankrupt, and the western world suddenly appeared as if approaching a cataclysm. Nevertheless, the oft-predicted contest did not take place. Strong, brave, enlightened men were at the helm of state and they conducted their grave business with so much discretion, with so much tact, and with so much genuine statesmanship that the threatened danger was averted. Let us sincerely hope that it was averted forever.

It would be a pleasant task to tell in this company, if it were permissible, the detailed story of last summer's fateful work for war, and of what may well prove to have been last summer's epoch-making work for peace.

It is easy to run with the crowd and to follow the example of that French revolutionary who, hearing the noise and the roar of the street, cried out "There go the people; I must follow them, for I am their leader." But to stand with patience and self-control in a post of high responsibility when a strong current of public opinion goes sweeping by, careless of conse-

quences and unrestrained in its expression of feeling, is the mark of a real man. This Conference should hold in everlasting honor the German Emperor and the responsible statesmen of France, Germany, and Great Britain, who solved the difficulties and allayed the dangers of the summer of 1911 without permitting the precipitation of a colossal and devastating war. The Nobel Prize might appropriately be awarded to some one of those who then kept the doors of the Temple of Janus shut when mighty pressure was exerted to force them open.

The world is not likely to know until many years have passed and until the chief participants in the international business of last summer are dead and gone, just how grave the crisis was, just how trivial and how sordid were the causes that led to that crisis, and just how bravely and how honorably that crisis was met and averted by responsible statesmen.

The consideration by the Senate of the United States of the projected treaties of general arbitration with Great Britain and with France came to a rather lame and impotent conclusion. The debate, fortunately conducted in open ses-

sion, revealed the fact that not all the members of the Senate have any real grasp of our international relations or any genuine appreciation of our international responsibilities. It is fair to say that a very large majority of the Senate approached the consideration of these treaties with entire good will and with favorable mind. Some Senators appeared, however, to be so little accustomed to the study of international business and to reflecting upon the relation of treaties like these to the movement of the best opinion throughout the world, that they were easily led to give weight to obstacles and difficulties that were either irrelevant or wholly unimportant. As was to be expected, while the treaties were under discussion the boisterous elements of our population, those that love to talk of war and to threaten it as well as to decry peace and to poke fun at it, were heard from under not incompetent leadership.

A yet more unhappy and discouraging event was the breaking out of armed hostilities between Italy and Turkey, two powers signatory to The Hague Conventions of 1899, without any recourse being had to the provisions of those

Conventions which would, it may with certainty be said, have made a subsequent resort to arms either impossible or ridiculous.

These events of the past year serve to illustrate once more the real difficulties which confront us, and to set the problem of obtaining peace through justice in a yet clearer light. We must learn to bring to the consideration of public business in its international aspects what I may call the international mind, and the international mind is still rarely to be found in high places. That the international mind is not inconsistent with sincere and devoted patriotism is clearly shown by the history of the great Liberal statesmen of the nineteenth century who had to deal with the making of Europe as we know it. If Lord Palmerston had the international mind not at all, surely Mr. Gladstone had it in high degree. The late Marquis of Salisbury, whom no one ever accused of lacking devotion to national policies and purposes, had it also, although a Tory of the Tories. Cavour certainly had it, as did Thiers. Lord Morley has it, and so has his colleague Lord Haldane. The late Senator Hoar had it when

on a somewhat important occasion he expressed the hope that he should never so act as to place his country's interests above his country's honor. It was the possession of this international mind that gave to the brilliant administrations of Secretary Hay and Secretary Root their distinction and their success. The lack of it has marked other administrations of foreign affairs, both in the United States and in European countries, either with failure or with continuing and strident friction.

What is this international mind, and how are we to seek for it and to gain it as a possession of our own and of our country? The international mind is nothing else than that habit of thinking of foreign relations and business, and that habit of dealing with them, which regard the several nations of the civilized world as friendly and co-operating equals in aiding the progress of civilization, in developing commerce and industry, and in spreading enlightenment and culture throughout the world. It is as inconsistent with the international mind to attempt to steal some other nation's territory as it would be inconsistent with the principles of ordinary morality to attempt to steal some

other individual's purse. Magnitude does not justify us in dispensing with morals.

When Secretary Hay said that American diplomacy had but two controlling maxims, the golden rule and the open door, he spoke with an international mind. The policy of swagger, that of swinging sticks either big or little, and that of threatening to double or treble the military armaments and preparations of some other nation, are not compatible with the possession of an international mind. We are still a long way from the millennium, no doubt, and the lion and the lamb are not yet likely to lie down side by side with entire restraint of appetite on the part of the lion or with entire assurance on the part of the lamb. Nevertheless, we might as well be making progress, or trying to make it, and not allow ourselves to sit forever helpless under the blighting domination of the brute instincts of mankind, with all their unscrupulousness, their fierce cruelty and their passionate clamor.

In striving to gain the international mind, it is necessary first of all to learn to measure other peoples and other civilizations than ours from their own point of view and by their own stand-

ards rather than by our own. Human knowledge has not yet been able to master and to explain the meaning of the profound differences of race or those extraordinary traits which, when grouped together, appear to constitute national character. What we do know is that there is plainly place in the world for numerous races, for many nationalities, and, therefore, for different points of view and for different angles of reflection. The really vital question is whether the time has yet come, and if not what can we do to hasten its coming, when races and nationalities are able to cease preying upon and oppressing one another, and to live together as fellow-sharers in a world's civilization? In other words, the vital question is how far the fundamental principles of morality that as individuals we so ardently profess, have really taken hold of us in our corporate capacity. There are still current, and apparently popular, many phrases and political cries which indicate that we have no very profound faith in the dominance of moral principles, and no very clear ethical conviction as to our own national duty. Here in the United States it is the easiest thing possible for some public man or some newspaper to

arouse suspicion and ill-feeling against Japan, against Mexico, against England, or against Germany by inventing a few facts and then adequately emphasizing them. In not a few of the unpleasant international discussions of the past few years, the people of the United States have been the chief offenders. We are given to looking with far too much leniency upon a braggadocio and a bravado which ape true courage and genuine patriotism, as well as upon those wearisome platitudes which are a convenient refuge for those who refuse to learn to think.

It is astonishing how even men of the highest intelligence and the largest responsibility will be swept off their feet in regard to international matters at some moment of strong national feeling, or on the occasion of some incident which appeals powerfully to the sentiments or to the passions of the people. At the very moment when the nation most needs the guidance of its sober-minded leaders of opinion, that guidance is likely to be found wanting.

Mr. Charles Francis Adams in a paper on the Trent Affair which he read before the Massachusetts Historical Society in November last,

has given a very illuminating example of happenings of this kind. In that paper Mr. Adams has made both a valuable addition to our historical knowledge, and also an acute and penetrating study of the psychology of international politics. He points out that probably at no time in the earlier history of the United States had the American people been so completely carried away by feeling, losing for the moment possession of their senses, as during the weeks which immediately followed the seizure of Mason and Slidell. Not only were the people swept off their feet, but men of light and leading, jurists, constitutional lawyers, and men of state joined in a violent and passionate cry which time and reflection have shown to be absolutely without justification. The situation in England was quite as serious. John Bright in writing at the time to Charles Sumner on this subject, spoke of the sensation which had been caused in Great Britain by taking the Southern commissioners from an English ship, and added that "the ignorant and passionate and 'Rule Britannia' class are angry and insolent as usual." One who wishes to know how difficult it is to acquire the international mind

and to sustain it in the presence of a great wave of national feeling, has only to read this important paper by Mr. Adams. He will then see how true it is, as Chancellor von Bethmann-Hollweg said to the Reichstag a few days ago, that wars are not planned and brought about in these days by governments, but noisy and fanatical minorities drive nations into wars.

We Americans need the international mind as much as any people ever needed it. We shall never be able to do justice to our better selves or to take our true part in the modern world until we acquire it. We must learn to suppress rather than to exalt those who endeavor, whether through ignorance, selfishness, or malice, to stir up among us antagonism to other nations and to other peoples. If we are to take the place which many of us have fondly hoped America would take, at the very forefront of the movement for the establishment of a world peace based upon even-handed justice, we must first learn to rule our tongues and to turn deaf ears to those who, from time to time, endeavor to lead us away from the path of international rectitude and in-

ternational honor with false cries of a pseudo-patriotism.

Let me offer, from the recent Senate debate on the treaties of general arbitration, an example or two of the notions that must be removed from the minds of important men before we can make much progress with our cause and before we can gain the international mind.

On March 5 last, Senator Heyburn of Idaho told the Senate this: "There never has been a time in the history of the world when any progress was made through peaceful agreements. I repeat it, there has been no time in the history of the world when progress toward civilization or a higher condition of mankind was made by a contract or agreement. Every advance step toward what we term civilization to-day has been the result of war. A rule that has been tried out through so great a period of time is entitled to some respect. It ought not to be brushed aside by the novice in political or public affairs. . . . We grow philanthropic, we grow sentimental—I had almost said maudlin—over the brotherhood of man. No nation ever existed fifteen minutes based upon the brotherhood of man; no community ever did."

These are doughty assertions. By the terms of the Constitution of the United States the eminent Senator who spoke them cannot be questioned for them in any other place. Where, however, a question would be unconstitutional, a gesture of wonder and perhaps one even bordering on inquiry may be permissible! Do these strongly expressed opinions really represent with accuracy and truth the teachings of history? One must wonder just a little whether the Senator from Idaho had recently had time to refresh his knowledge of the history of civilization and of European diplomacy. Obviously the possession of what I have called an international mind is quite incompatible with opinions such as these.

Two days later, while participating in the same debate, Senator Hitchcock of Nebraska expressed somewhat peremptorily the conviction that the forces behind the pending treaty of arbitration with Great Britain did not really find their chief interest in arbitration at all, but rather in bringing about an alliance between Great Britain and the United States. The learned Senator did not stop to indicate how an identical treaty with France and a proposed

treaty of similar form with Germany could be reconciled with this notion of an alliance. He was, nevertheless, very determined in regard to the matter, and concluded his speech with the declaration that the purpose of the pending treaties was "to make a false union, a real alliance between the United States and Great Britain." If Senator Hitchcock occupied a less exalted position than that of a Senator of the United States, a private citizen might perhaps be permitted to exclaim, "In the name of the Prophet, Bosh!"

The notion that a treaty, by the terms of which two nations engage to submit any differences which may arise between them to judicial determination, is in some way equivalent to a political alliance, is one of the most curious that now finds lodgment either in the senatorial or in the public mind. Some time ago in speaking of this phase of the matter I offered the suggestion that anyone who could mistake an arbitration treaty for an alliance might be expected to confuse a lawsuit with a marriage. For this I was suitably rebuked by having it pointed out to me that I did not understand the point of view of those who held this opinion. I was

forced to accept the rebuke in humble silence, for I knew that it was true; I certainly do not understand the point of view of those who confound an arbitration treaty with a political alliance. If anybody does understand that point of view I hope that at an appropriate time he will make it clear to the rest of us.

There is a curious and interesting interdependence between reasonableness and sanity in the conduct of domestic politics on the one hand, and kindly feeling and generous sympathy in our attitude toward foreign relations on the other. A nation that is either intellectually, morally, or politically turbulent, is not in any position to assume leadership in the development of international affairs on a peace-loving and orderly basis. The political braggart at home is the political bully abroad. Unfortunately, our contemporary American public life offers illustrations in abundance of the unhappy effects of constantly carrying on political discussion, both on the platform and in the press, with the manners of the prize ring and the language of the lunatic asylum. A large part of the American public has become so accustomed to highly seasoned political food

that it is no longer satisfied with a merely nutritious political diet. We Americans must be content to wait until the present unhappy tide of turbulence and bad manners has ebbed before we can venture to lay claim once more to a place of leadership in the development of constructive international policies. Reform of international procedure, like charity, begins at home.

Most of all, we must do our best to lift political discussion, both national and international, up out of the mire of personality and unseemly controversies between individuals and private interests on to the high ground of principle. It is not fashionable just now in some influential quarters to have any fixed principles. There are those who think it becoming to court the favor of the populace by inquiring of them, as did the frightened peasants of Louis XI, "Sire, what are our opinions?" There are others who appear to emulate the example of Artemus Ward who, when asked what were his principles, replied: "I have no principles; I am in the show business."

It is in the highest degree important that upon all this sort of thing we should turn our

backs. Political progress, whether national or international, must depend upon trust in the better instincts of the people, and cannot rest upon their appetites and their passions, their envies and their animosities. A vast majority of the people of the United States are God-fearing, law-abiding, devoted to liberty and order, and sincerely desirous of promoting the common welfare. Unhappily, political exploiters and promoters frequently keep up such a din and so skilfully organize the adventurous elements of the population that real public opinion, our true national character, and the genuine public will are often quite in the background. From time to time we are ruled and represented by the noisy and well-organized majorities of minorities, and whenever this happens we slide backward in political dignity and political wisdom. When the people as a whole grasp these facts, as they surely will, they will assert themselves with no uncertain voice, and our nation will once more put its feet in the path of permanent progress. The moment that sober reason resumes its rule, our cause will be secure. Human progress cannot be held long in check by selfish endeavor, and both at home and

abroad we may look forward with confidence and abundant hope to the coming of the day when justice shall rule, and when a lasting peace, based upon justice, shall set free all man's resources for man's uplifting.

INDEX

INDEX

- Adams, C. F., on the Trent Affair, 105-7
 Aerial navigation in war, 30
 American public opinion, Influence of, abroad, 10-11
 Americans and political organization of the world, 43-44; should lead in establishing the world's peace, 65-66; chief offenders in unpleasant international discussions, 105; need the international mind, 107
 Arbitration and Peace Congress, National, at New York, 3, 10, 16
 Arbitration, international, The opponents of, 50-54
 Arbitration, Treaties of, between United States and Great Britain, 91-94
 Arbitration treaty confounded with political alliance, 109-11
ARE WE OUR BROTHERS' KEEPERS? 47-66
 Armaments, Expenditure for naval, 22; obstacle to limitation of, 30-33; taxes wasted on, 37-38, 53; United States should stop increase of, 62-63; and trade, 71-72; the problem of inflated, 89, 103
 Armies and navies, Restricting the growth of, 12
 Avebury, Lord, on seizure of private property at sea, 90
 Battle-ship used as a target, 89
 Bethmann-Hollweg, Chancellor von, on causes of wars, 107
 Bright, John, on the Trent Affair, 106
 British Government, The, and the restriction of armaments, 12; devoted to peace, 17-18
 Brotherhood of man, 108
 Brotherhood of the world, 61
BROTHERS' KEEPERS, ARE WE OUR? 47-66
 Bülow, Prince von, and Lord Wear-dale, at Berlin, 35-36
 .
 Captures, Alleged illegal, in time of war, 87
 Carnegie Endowment for International Peace, the, Aims and purposes of, 72-73; organization of, 73-74; Division of International Law, 74-77; Division of Economics and History, 78-81; Division of Inter-course and Education, 81-82; tasks set by, 83
 Carrying trade, German competition in the, 25-26
 Civilization, Development of, 71; a higher and nobler, 80-81; the nations and, 102, 104; Senator Heyburn on, 108
 Clark, John Bates, head of Division of Economics and History, 78
 Cleveland, Grover, approved Olney-Pauncefote treaty, 92
 Commerce not developed by navies, 71, 90; destruction of, in time of war, 90-91
 Conferees, American international, 16-17
 Congress, Appropriation by, for Bureau for Promotion of International Arbitration, 47
 Court of arbitral justice, A, 47
 Courts, Right to sue and defend in the, the alternative of force, 57
 Credit, A nation's, 37-38
 Criticism of other nations, 63-64

- Declaration of London, The, 85
 Democracy, Spread of, 4
 Differences, Judicial settlement of, 8-9; under principles of international law, 75
 Diplomacy, American, Two maxims of, 103
 Disarmament, The question of, 11-12, 62
 Domestic politics and foreign relations, 111
 Dreamers and theorists, Who are the, 48-50
- Economic and social questions, Neglect of, 37-38
 Economics and History, Division of, of the Carnegie Endowment, 78-81; aims of, 78; subjects of study, 79-80; results looked for, 80-81
Economist, The London, on commerce destruction, 91
 Economists, Co-operation of, under the Carnegie Endowment, 78-79
 EDUCATION OF THE WORLD FOR PEACE, 69-94
 England, jealous of Germany's world importance, 24; attitude of, towards Germany, preposterous, 26-29; reasons for a big navy in, 29-32; restoration of friendship of, with Germany, 33-34
 English people, Signs of emotional insanity in the, 22-24
 Enmity, International, imaginary, 34
 Executive authority, Public opinion the true international, 40-42
- Faculty of Peace, A veritable, 83
 Fear, Man's progress from, to faith, 64
 Federation of the world's legislatures, A coming, 39-40
 Fighting an animal appetite, 9
 Financial neutrality, Importance of, 14-16; James Speyer on, 15-16
 Force, Use of, 6, 9; and right, 8, 69; substitution of rule of justice for rule of, 22; nations not under rule of, 49-50; United States Supreme Court on the alternative of, 57
- France, a peaceful nation, must arm, 53; treaty of arbitration with, rejected, 99-100
 French spirit, The, 5
- German idealism, 5
 German navy, Excitement in England over the, 26-29
 Germany gaining in importance in the world, 24; foreign commerce of, 25-26; navy of, 26-27; belief in warlike purpose of, against England, preposterous, 27-29; friendship of, with England should be restored, 33-34; friendly incident at Berlin, 35-36; a peaceful nation, must arm, 53; war scare of 1911 in, 97-99; honor due Emperor and statesmen of, 99; suspicion against, easily aroused, 105
 Gladstone, W. E., a dominant power, 23; had the international mind, 101
 Government, A federal form of, proved practicable, 64-65
 Government, The foundation of orderly, 57
 Governments dominated by public opinion, 36-37
 Graft in expenditures for war preparations, 55-56, 70
 Great Britain, Objection of, to International Court of Prize, 85; treaty of arbitration with, 91-93; war scare of 1911 in, 97-99; rejection of arbitration treaty with, by United States Senate, 99-100; Senator Hitchcock's fear of an alliance with, 109-10
 Gullibility of mankind, 54
- Hague, The, A permanent international judiciary at, 84
 Hague Conference, Second International, 3; two things asked from the, 12-14; should assemble at stated intervals, 13, 14; results of the, 21-22, 84; on the maintenance of peace, 77; failure of International Court of Arbitral Justice at, 87-89
 Hague Conference, The third, 88

- Hague Conventions ignored by Italy and Turkey, 100-1
- Hague Court, Change of the, to a truly judicial tribunal, 12-14, 21; enforcing findings of, 13; to be established, 38
- Hague Protocol, The, 15
- Hay, John, had the international mind, 102; on American diplomacy, 103
- Heyburn, Senator, of Idaho, on peaceful agreements, 108; has not an international mind, 109
- Hirst, Mr., on commerce destruction, 91
- History, A new conception of, 80-81
- Hitchcock, Senator, of Nebraska, feared an alliance with Great Britain, 109-10
- Ill-feeling and suspicion easily aroused, 105
- Improvement, Social and economic, *ss.* armaments, 37
- Intercourse and Education, Division of, of Carnegie Endowment, 81-82
- International court, A permanent, wanted, 12, 14, 27; to be established 38; executive authority for, 40-42
- International Court of Arbitral Justice, 84; purpose of, 87; progress toward establishment of, 88-89
- International Court of Arbitration, Submission of Newfoundland fisheries question to the, 48, 83-84
- International era, An, opening, 5
- International justice, American public opinion and, 11; perfecting the fundamental conception of, 75
- International law, A court for declaring and establishing, wanted, 12; the true executive of, 40-42; Division of, of the Carnegie Endowment, 74-77, 81; progressive development of rules of, 74-75; establishment of fundamental principles of, 75-76
- INTERNATIONAL MIND, THE, 97-114; examples of the, 101; what it is, 102; how gained, 103-5; American need, 107
- International parliament, The germ of an, 14
- International Prize Court to be a court of arbitral justice, 47; created by second Hague Conference, 84; objections to the, 85-87; presupposes war, 87, 89
- International relations, 5; in time of war, 14-16; aims of the Carnegie Endowment toward, 73, 79, 82-83
- INTERNATIONALISM, THE PROGRESS OF REAL, 3-18
- Interparliamentary Union at Berlin, 35; permanent organization of, and results, 38-42; delegations at the, 39; appropriation by Congress for Bureau of, 47
- Island, Change in significance of word, 30
- Italy and Turkey, War between, 100-1
- Joubert on Force and Right, 8
- Judicial decisions, Majority of, equitable, 8-9
- Judicial determination of questions of national honor or interests, 47; progress of movement for, 57, 62, 74, 77, 82, 83
- Justice, Dominance of, 4-5; substitution of rule of, for rule of force, 22, 30; spirit of, to be cultivated, 43-44; the real ground of security for men and nations, 48; the path of, the path of honor, 66; opposition to peace through, 72; shall rule, 114
- Justice, International, 48; part of a complete philosophy of life, 49; indifference and opposition to, 50-54; or armed force, 58-59; inculcation of belief in, 75, 82
- Knox, P. C., Identical circular note of, 47
- Lake Mohonk Conference, 1907, 3; accomplishment of the, 10; of 1909, 21; aim of the, 42; of 1910, 47; of 1911, 68, 89, 97; of 1912, 97, 99
- Law, *see* International law
- Legislative inquiry into military and naval appropriations needed, 55-56

- London Chamber of Commerce, on seizure of private property at sea, 90
- Man, Mark of a real, 98-99
- Mason and Slidell, 106
- Might and right, 4, 8, 69
- Militarism, Evil spirit of, among the English, 23; less profitable than peace, 71; expenditures for, 79
- Minorities, Fanatical, drive nations into wars, 107; rule of majority of, 113
- Moral education of the world, 5-6; our task, 49
- Morality of the future, The, 6; principles of, in the body corporate, 104
- Nation, Mind and conscience of a, 5; a turbulent, 111
- National character, What constitutes, 104; kept in the background, 113
- National duty, Our, 104-5, 107, 112-14
- National existence not dependent upon military and naval force, 29-30
- National honor, False arguments for defense of, by force, 58-59
- Nationalities, A place in the world for many, 104
- Nations, Growth of, 4, 6-7; as litigants, 9; most powerful, at peace, 17; influence of public opinion on, 41-42; not under rule of brute force, 49-50; at peace must prepare for war, 53-54; fundamental principle of rights of, 57-58; criticism of other, 63-64; faith in vs. fear of other, 64; should submit differences to judicial determination, 65; to be instructed in their juristic relations toward each other, 74-75, 76, 82; co-operation of, for civilization, 71; in a judicial system, 73; maintenance of peace the supreme duty of, 77; moved by example and precedent, 94; friendly and co-operating equals, 102
- Naval standard, The two-power, of England, 31-33
- Neutrality, *see* Financial neutrality
- Newfoundland fisheries question submitted to the Hague arbitral tribunal, 48; settlement of, 83-84
- Nobel Prize, Candidates for the, 99
- Olney-Pauncefote treaty, The, 91-92
- Patriotism, Economics and, 55-56
- Peace, Activity for the world's, 36, 66, 69-70; maintenance of, the supreme duty of nations, 77; epoch-making work for, 98; obtaining, through justice, 101; America should lead movement for, 107
- Peace, The law of, and the law of nations, 76-77
- Peace and justice, Political organization for, 38; rule of, shall come, 114
- Police, An international, 10, 13
- Political discussion, Debasement of, 111-112; elevation of, needed, 112-14
- Political economy, Broadening the study and teaching of, 78-80
- Political organization of the world, 33, 38-42; evolutionary, 43; responsibility of Americans toward the, 43-44
- Political progress, 113-14
- Principles, Fixed, not fashionable, 112
- Private property at sea should be free from capture, 90-91
- PROGRESS OF REAL INTERNATIONALISM, 3-18
- PUBLIC OPINION, THE WORLD'S ARMAMENTS AND, 21-44
- Public opinion, Education of the world's, 36-37, 69; the true international executive authority, 40-42, 65; the power of, 41-42, 69-70; influence of the United States on the world's, 10-11, 64-66; in economics and history, 78, 81; excitability of, 105-6
- Relations and disputes, Individual and international, 5
- Rhodes, Cecil, and financial neutrality, 15

- Right, Might and, 4, 60; Joubert on Force and, 8
- Rights and duties implied in principles and rules of international law to be taught, 75; maintenance of, 76-77; a better understanding of, 82
- Root, Elihu, on public opinion as the true international executive, 40-41; has the international mind, 102
- Scott, James Brown, head of Division of International Law, 74; consultative board associated with, 75-76
- Self-redress and judicial settlement, 77
- Senators of United States, Some, ignorant of international business, 100
- Spectator*, The London, on rejection of the Olney-Pauncefote treaty by the United States Senate, 92
- Speyer, James, on financial neutrality, 15-16
- Statesmanship, Examples of genuine, 98-99
- Straus, O. S., and financial neutrality, 16
- Taft, President, on questions involving national honor and interests, 47; on an arbitration treaty with Great Britain, 93
- Tariffs, Effects of, 79
- Taxes wasted on armaments, 37-38
- Temple, Archbishop, on principles, 18
- Theorists and dreamers, Who are the, 48-50
- Trent Affair, Charles Francis Adams on the, 105-7
- Turkey and Italy, War between, 100-1
- United States, Contribution of, toward judicial settlement of international differences, 61-63; influence of, on world opinion, 64-65; should lead in establishing the world's peace, 65-66
- United States Senate approved the International Court of Prize, 87; refused to ratify Olney-Pauncefote treaty, 91-93
- United States Supreme Court, The, 13, 14; on the right to sue and defend in the courts, 57; objection of, to International Court of Prize, 85-87
- Virtues, The sterner, exercised by war and conflict, 59-60
- Visits, International, between Germany and England, 28-29
- War, international, Abolition of, 74
- War, Legal and economic incidents of, to be studied, 73; the rules of, and the law of nations, 76-77; economic causes and effects of, 79-80, 82; fateful work for, 97-98; boisterous talk of, 100
- Ward, Artemus, on principles, 112
- Wars part of the divine order, 70
- Weardale, Lord, and members of Parliament meet von Bülow at Berlin, 35-36
- William II, German Emperor, favors world peace, 17-18; honor due to, 99
- WORLD'S ARMAMENTS, THE, AND PUBLIC OPINION, 21-44

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